

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ELIZABETH BECKLEY,)
Plaintiff,)
v.) Case No. 1:16-cv-01435-MHC
CITY OF ATLANTA,)
Defendant.)

)

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
STATEMENT OF ADDITIONAL MATERIAL FACTS**

Defendant CITY OF ATLANTA (the "City"), by its counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1B(2)(a)(1), hereby submits its Response to Plaintiff's Statement of Additional Material Facts as follows:

1. The sidewalks at the intersection of Martin Luther King, Jr. Blvd. and Centennial Olympic Park Drive in downtown Atlanta are not compliant with the Americans with Disabilities Act. (Attachment 7, Defendant's Responses to Plaintiff's Requests for Admissions at ¶ 10).

RESPONSE: Not disputed.

2. The City does not have a written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks. (Id. at ¶ 7; see also (Deposition of Lawrence Jeter (“Jeter Dep.”) at 22:20-23:16).

RESPONSE: Not disputed. Further, it is undisputed that a disabled individual can request that the City install ADA compliant ramps on City-owned sidewalks by contacting the City’s 311 customer service system. (See Doc. No. 36-1, ¶ 49). Moreover, Plaintiff’s fact is not material.

3. The City also promised that it would report to the Department of Justice all streets, roads, and highways that have been constructed or altered since January 26, 1992, for purposes of ADA compliance verification, but it did not. (See Attachment 6 (Defendant’s Responses to Plaintiff’s First Requests for Production of Documents) at ¶ 4 (in response to request for these reports, stating “after conducting an extensive search, it has not located documents responsive to this Request.”)

RESPONSE: Plaintiff’s fact is not material.

4. The City of Atlanta is responsible for maintaining the sidewalks at the intersections of Martin Luther King, Jr. Blvd. and Centennial Olympic Park Drive in downtown Atlanta. (Id. at ¶ 1).

RESPONSE: Not disputed.

5. Alternatives to curb ramps can be used to make the intersection of MLK and Centennial accessible without requiring a ramp to be cut into the existing concrete structure. (ADA Best Practices Tool Kit for State and Local Governments, Chapter 6, “Curb Ramps and Pedestrian Crossings Under Title II of the ADA.” Section (F)(3) (Attachment 4) (available at <https://www.ada.gov/pcatoolkit/chap6toolkit.htm>)

RESPONSE: Disputed. Defendant objects to Plaintiff's evidence on the grounds that it is inadmissible hearsay under Federal Rules of Evidence 801 and 802 and that it has not been properly authenticated under Federal Rule of Evidence 901.

6. One “potential solution is to raise the entire street grade at the intersection to make the sidewalk elevation flush with the street elevation, thus eliminating the spatial needs for curb ramps.” (United States Access Board1 Special Report: Accessible Public Rights-of-Way Planning and Design for Alterations, August 2007, Chapter 4, Attachment 5) (available at <https://www.access-board.gov/guidelines-and-standards/streetssidewalks/public-rights-of-way/guidance-and-research/accessible-publicrights-of-way-planning-and-design-for-alterations/chapter-4%20%94design-solutions>).

RESPONSE: Disputed. Defendant objects to Plaintiff's evidence on the grounds that it is inadmissible hearsay under Federal Rules of Evidence 801 and 802 and that it has not been properly authenticated under Federal Rule of Evidence 901.

Respectfully submitted,

/s/ Anissa D. Floyd
Anissa D. Floyd
Georgia Bar No. 141747
Counsel for Defendant

CITY OF ATLANTA LAW DEPARTMENT
55 Trinity Ave., S.W., Suite 5000
Atlanta, Georgia 30303-3520
Telephone: (404) 546-4155
Facsimile: (404) 979-7649
Email: adfloyd@atlantaga.gov

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CERTIFICATE OF FONT

I hereby certify that DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT OF ADDITIONAL MATERIAL FACTS was prepared in Times New Roman 14-point font in conformance with Local Rule 5.1C.

/s/ Anissa D. Floyd
Anissa D. Floyd
Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2017, I served a true and correct copy of DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT OF ADDITIONAL MATERIAL FACTS with the Clerk of Court using the CM/ECF system, which will automatically send notification to the following counsel of record:

James Radford, Esq.
Radford & Keebaugh, LLC
315 W. Ponce de Leon Ave., Suite 1080
Decatur, Georgia 30030

/s/ Anissa D. Floyd
Anissa D. Floyd
Counsel for Defendant